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## PERSONNEL POLICY 531

**SUBJECT:** EMPLOYEES HOLDING OUTSIDE EMPLOYMENT

**INFORMATION CONTACT:** Employee Relations

**AUTHORIZING SOURCE:** Chapter 42.52 RCW, Ethics in Public Service  
Administrative Policy 6.04

**EFFECTIVE DATE:** February 1, 2000

**APPROVED BY:** \_\_\_\_\_  
Assistant Secretary, Management Services

**SUNSET REVIEW DATE:** February 1, 2002

### I. **PURPOSE:**

This policy establishes requirements for department employees who hold or intend to hold outside employment.

### II. **SCOPE:**

This policy affects all department employees.

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**Executive Ethics Board**

Date: 6/11/04

### III. **BACKGROUND:**

Whether outside employment is acceptable depends on an employee's specific duties, the actual or potential relationship between the outside employer and the department, and any conflict -- potential or actual -- that would be created by the proposed employment.

### IV. **DEFINITIONS:**

- A. For purposes of this policy, "Approving Authority" means the appropriate Division Director or Assistant Secretary.
- B. "Compensation" means anything of economic value, however designated, for or in consideration of personal services to any person which is:

1. Paid, loaned, granted, or transferred; or
  2. Promised to be paid, loaned, granted, or transferred.
- C. "Outside Employment" means work which results in compensation and includes, but is not limited to:
1. Private employment,
  2. Private business ownership and/or operation by employee or spouse,
  3. Employment as a consultant or advisor,
  4. Employment in another department subdivision or in another state agency,
  5. Personal service contracts with the state, or
  6. Employment with persons or organizations who are clients of, do business with, or try to influence policies or regulations in which the department has an interest.

V. **POLICY:**

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- A. An employee must ensure outside employment:
1. Does not conflict with the performance of the employee's assigned duties; or
  2. Is consistent with provisions of Chapter 42.52 RCW which establishes a code of ethics for public officers and employees.
- B. The employee wishing to accept outside employment may do so. However, the employee must immediately request approval from the approving authority through the chain of command. The approving authority must review and make a decision within 30 calendar days from receipt of the request. The Division Director is the appropriate level for approval if there is no perceived conflict of interest shown on the Report of Outside Employment. If there is a perceived conflict (as indicated by any "yes" boxes being checked on the form), then the Assistant Secretary must sign the form as the approving authority. If the approving authority determines there is a conflict, the employee shall terminate the outside employment or the employment with DSHS within 30 calendar days and provide written proof. Failure to abide by this policy may result in disciplinary action, up to and including dismissal.
- C. The employee wishing to continue working in previously authorized outside employment must request authorization **annually and in writing**.
- D. The employee holding outside employment when entering DSHS employment must submit a completed Report of Outside Employment form within 30 calendar days of hire. If such outside employment is disapproved, the employee must either discontinue that employment or employment with DSHS within 30 calendar days and provide written proof. Failure to abide by this policy may result in disciplinary action, up to and including dismissal.
- E. The employee must not use department time, material, facilities, equipment, supplies or telephones in connection with employment outside the department.
- F. The employee must not receive compensation from any entity except DSHS for services which are part of the employee's assigned responsibilities with the department.

- G. The employee must not use or give the appearance of using the employee's own position within the agency to create the opportunity for private gain.
- H. The employee must not accept outside employment with an employer who provides contract services to the department, unless:
  - 1. The nature of the employment with the department, as determined by the approving authority, is clearly unrelated to the services for which the department contracts.
  - 2. The responsibilities to the employment contractor, as determined by the department, are such that the employee does not have an opportunity to influence the relationship between the outside employer and the department.
  - 3. The employee withdraws from issues that may be a conflict of interest. For example, an employee holding elective office shall not vote on or attempt to influence issues involving the department.
- I. The employee who provides personal services, e.g., an attorney or physician, or one who works as a private consultant, must submit a list of client names with the request for outside employment and must request approval prior to accepting new clients, unless revealing client names constitutes a breach of confidentiality.

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VI. PROCEDURES:

Report of Outside Employment process:

| Responsibility              | Action  |
|-----------------------------|---|
| Employee                    | Submits completed form DSHS 03-023 to immediate supervisor.   |
| Immediate Supervisor        | Reviews the employee's request for outside employment against criteria contained in this policy. If necessary, seeks guidance from the next higher level supervisor in the chain of command and/or the human resource consultant/manager. Recommends approval or disapproval of the request. Submits through chain of command to approving authority. |
| Chain of Command Supervisor | If subsequent supervisor(s) in the chain of command have comments or disagree with the recommendation, they shall resolve these concerns prior to submitting a final recommendation to the approving authority.   |

Approving Authority

1. Reviews the recommendation from the employee's supervisor and approves or disapproves the request.
2. Sends copies of the completed form (DSHS 03-023) including the reason for disapproval, if applicable, to:
  - a. employee
  - b. employee's immediate supervisor
  - c. personnel file

Employee

In all cases of disapproval the employee may request through the employee's chain of command a review of the disapproval by the approving authority.

**APPROVED**  
**Executive Ethics Board**

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